

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

DESOTO COUNTY, MISSISSIPPI

PETITIONER

VS.

CIVIL ACTION NO. CO2011-0097CD

OTC INVESTMENTS, LLC,

DEFENDANT

**ORDER GRANTING TITLE AND POSSESSION TO PETITIONER  
AND DIMISSISING CAUSE OF ACTION**

This cause came on for hearing upon the joint motion ore tenus of the Petitioner and Defendant to award to Petitioner title and possession of the property sought by Petitioner, and to approve the settlement agreement of the parties; and the Court having reviewed this matter in it=s entirety and being fully advised in the premises finds that the motion is well taken and this matter should be granted, and further finds as follows:

1. On January 19, 2011, Petitioner filed its petition for the organization of a Special Court of Eminent Domain seeking the condemnation of property located in DeSoto County, Mississippi, described in Exhibit "A" attached thereto and being further identified on the plat referenced as Exhibit "B" thereto.
2. A waiver of service of process and joinder in this action has been signed by the Defendant, being the sole entity having an interest in the above described property.
3. Petitioner, DeSoto County, Mississippi is a body corporate of the State of Mississippi and is given the right to exercise the power of Eminent Domain under and by virtue of Section 65-7-89, Mississippi Code of 1972 Annotated.
4. Petitioner has full authority to lay out, relocate, widen, alter, change, straighten, construct or reconstruct any and all highways of the County together with the right to condemn, purchase, or acquire by gift lands necessary for the safety and convenience of traffic, and that by virtue of its authority Petitioner has decided to condemn the property described in the aforementioned Exhibit "A" for purposes of constructing a new road.

FILED

FEB 14 2011

DALE K. THOMPSON, CIRCUIT CLERK  
DESOTO COUNTY, MISSISSIPPI  
MINUTE BOOK 124 PAGE 144-146

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with Phillips

5. The Petitioner and the Defendant have reached an agreement whereby the Defendant agrees to grant Petitioner title and immediate possession to the property identified in paragraph 1 herein and waive any and all claims for compensation for the property taking.

6. The Defendant, by joining in this order, does acknowledge its full understanding of its rights to receive just compensation for the property taking, as may be decided by a jury or through negotiation with the Petitioner, and that Defendant knowingly and voluntarily waives its right to seek, claim from or receive any compensation for the property taking.

**IT IS ORDERED AND ADJUDGED**, as follows:

1. DeSoto County, Mississippi, be and it is hereby granted immediate title and possession, and all rights of entry upon the lands, sought to be condemned as described in Exhibit "A" attached hereto and in the petition filed herein.

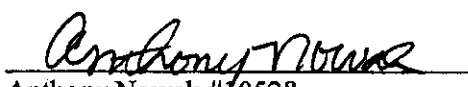
2. Defendant is found to have voluntarily waived its right to receive compensation for Petitioner's taking, and Petitioner is relieved of any and all obligation to pay any damages or compensation to Defendant for the right to title, possession and entry upon the lands granted Petitioner herein.

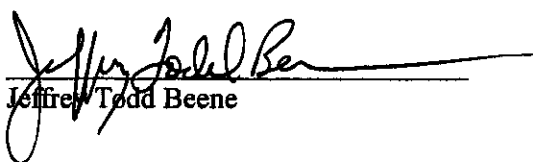
3. This cause is dismissed, with prejudice, and all costs of court assessed to Petitioner.

This the 14<sup>th</sup> day of February, 2011.

  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

By:   
Anthony Nowak #10528  
Attorney for Petitioner

By:   
Jeffrey Todd Beene

**STATE OF MISS., DESOTO COUNTY**  
**CERTIFIED A TRUE COPY**

FEB 16 2011

DALE K. THOMPSON, CIRCUIT CLERK  
By:  D.C.



**EXHIBIT "A"**

**REVISED LEGAL DESCRIPTION FOR DEDICATED RIGHT-OF-WAY IN HERNANDO INDUSTRIAL PARK, PHASE I, FIRST REVISION, DIVISION OF SITE 11, A 0.21-ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 7 WEST, CITY OF HERNANDO, DESOTO COUNTY, MISSISSIPPI, lying entirely within Lot 11H as shown and described in subdivision Plat Book 95, Page 43, of the land records of the DeSoto County Chancery Clerk's office, and further described as follows:**

Commencing at the Southwest corner of the Northeast Quarter of Section 19, Township 3 South, Range 7 West, City of Hernando, DeSoto County, Mississippi, and run thence North for a distance of 588.66 feet to the Northeast corner of the Harris Tract; thence run West along the North line of said Harris Tract for a distance of 958.28 feet to the Southwest corner of the Beene Tract; thence run North along the West line of the Beene Tract for a distance of 1,495.57 feet to the Southwest corner of Hernando Industrial Park, Phase 1, First Revision, Division of Site 11, as same is platted in the Office of the Chancery Clerk DeSoto County, Mississippi, in Plat Book 95 on Page 43; thence North 86 degrees 23 minutes 03 seconds East along the South line of Hernando Industrial Park for a distance of 340.81 feet to the **POINT OF BEGINNING**; thence along the western right-of-way of a proposed road as follows: North 03 degrees 45 minutes 51 seconds East for a distance of 144.41 feet; along a curve to the left, having a chord bearing of North 22 degrees 49 minutes 30 seconds West, a chord distance of 22.38 feet and a radius of 25.00 feet to a point on the existing right-of-way of Industrial Park West Drive; thence along the existing right-of-way of Industrial Park West Drive along a curve to the left, having a chord bearing of North 82 degrees 19 minutes 56 seconds East, a chord bearing of 89.53 feet and a radius of 60.00 feet to a point on the eastern right-of-way of a proposed road; thence along the eastern right-of-way of a proposed road as follows: along a curve to the left, having a chord bearing of South 22 degrees 08 minutes 13 seconds West, a chord distance of 56.26 feet and a radius of 113.40 feet; South 03 degrees 45 minutes 51 seconds West for a distance of 121.00 feet to a point on the South line of the above mentioned Hernando Industrial Park; thence along the South line of said Hernando Industrial Park South 86 degrees 23 minutes 03 seconds West for a distance of 60.50 feet to the Point of Beginning.

All lying and being in the Northeast Quarter of the Northwest Quarter of Section 19, Township 3 South, Range 7 West, City of Hernando, DeSoto County, Mississippi, and containing 0.21 acres, more or less.